

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JK D.C.

05 JUN 21 AM 6:49

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYANT KEITH STAFFNEY,

Defendant.

X
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X

No. 05-2422-D/P

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

Defendant Bryant Keith Staffney, Bureau of Prisons inmate registration number 24468-001, an inmate at the Federal Correctional Institution in Memphis, filed a pro se motion pursuant to 28 U.S.C. § 2255 on June 7, 2005.

The first paragraph of 28 U.S.C. § 2255 provides, in pertinent part, as follows:

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence. (Emphasis added.)

In this motion, Staffney is challenging a sentence that was imposed by the United States District Court for the Northern


District of Alabama, Southern Division. Accordingly, this Court lacks jurisdiction to consider Staffney's § 2255 motion.

Twenty-eight U.S.C. § 1406(a) states:

The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

For the reasons stated, this action should have been brought in the Southern Division of the United States District Court for the Northern District of Alabama. Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is TRANSFERRED, forthwith, to the Northern District of Alabama, Southern Division.

IT IS SO ORDERED this 20th day of June, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02422 was distributed by fax, mail, or direct printing on June 21, 2005 to the parties listed.

Bryant Keith Staffney
FCI-MEMPHIS
24468-001
1101 John A. Denie Road
Memphis, TN 38184

Honorable Bernice Donald
US DISTRICT COURT